

<b>PLANNING AND ENVIRONMENTAL PROTECTION</b>	AGENDA ITEM No. 9
<b>6 NOVEMBER 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
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**DRAFT FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT**

<b>RECOMMENDATIONS</b>
<b>FROM:</b> Head of Planning, Transport and Engineering Services.
The Committee is requested to offer any comments on the Flood and Water Management Supplementary Planning Document ( <b>Appendix A</b> ), in accordance with the committee’s delegations under paragraph 2.5.1.5 of the Council’s Constitution, before it is presented to Cabinet for adoption.

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Planning and Environmental Protection Committee following recent and forthcoming changes in legislation around flood and water management, the adoption of the Core Strategy and the expected adoption of the Planning Policies Development Plan Document (DPD).

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to obtain the Committee’s views and comments on the attached report which is being presented to Cabinet on 10<sup>th</sup> December 2012 for adoption. The Committee’s views and comments will be taken into account and also reported to Cabinet at the meeting on the 10<sup>th</sup> December 2012.

2.2 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.5 “to be consulted by, and comment on, the Executive’s draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation”.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
Date of Cabinet Meeting	10 <sup>th</sup> December 2012

**4. BACKGROUND**

4.1 The SPD forms part of a package of work arising following the Flood and Water Management Act (FWMA) 2010, which made Peterborough City Council a ‘Lead Local Flood Authority’. The Council is now responsible for co-ordinating surface water management.

- 4.2 Flood risk management is high on the agenda in Peterborough. Ensuring that the drainage network and watercourses are managed well, that sites are designed and constructed to drain well and that development is located in a safe environment are all key to reducing the likelihood and consequences of flooding in Peterborough.
- 4.3 It is predicted that the future will bring more frequent short duration, high intensity rainfall and more frequent periods of long-duration rainfall, meaning both river and surface water flooding are likely to be an increasing problem. Around two-thirds of the flooding across the country in summer 2007 was due to surface water (Environment Agency, 2007).
- 4.4 The council and all water management partners also have a responsibility under European legislation (the Water Framework Directive) to ensure that there is no deterioration in the quality of any water environments, particularly as a result of development.
- 4.5 The Council's adopted Core Strategy proposes a high level of growth in Peterborough up to 2026. The aims of the Flood and Water Management SPD are: to make sure that new development does not increase the risk of flooding from main rivers and surface water but also actively reduces it; and to expand on adopted policy in the Core Strategy relating to flood risk management and water quality.
- 4.5 The objective of the SPD is to provide guidance to applicants and decision makers on:
- a. How to assess whether or not a site is suitable for development based on flood risk grounds. This element supports the main river flood risk requirements of policy CS22 in the Core Strategy Development Plan Document (DPD).
  - b. The use of different sustainable drainage measures within Peterborough. This element supports the surface water requirements of policy CS22 in the Core Strategy DPD and policy PP20 of the Planning Policies DPD.
  - c. How development can ensure it protects aquatic environments. This element supports policies PP16 and PP20 of the Planning Policies DPD.
- 4.6 Once adopted, this SPD will form part of Peterborough City Council's Local Development Framework (LDF).

## **5. CONSULTATION**

- 5.1 The draft SPD was written in consultation with Peterborough's Internal Drainage Boards, the Environment Agency, Anglian Water and council officers. These partners are all part of Peterborough's Flood Risk Management Partnership.
- 5.2 Following Cabinet approval on 12<sup>th</sup> December 2011, formal public consultation, for a period of 6 weeks, was undertaken in March 2012. All comments received have been reviewed and the draft document amended as appropriate. The draft SPD was generally well received among partners such as the Environment Agency and Anglian Water.
- 5.4 Further updates have also been made to take into account the latest national policy and guidance such as the National Planning Policy framework.
- 5.5 Following Planning and Environmental Protection Committee the policy document will be presented to Sustainable Growth and Environment Scrutiny Committee on 8<sup>th</sup> November.

## **6. ANTICIPATED OUTCOMES**

- 6.1 It is anticipated that the Committee will comment on the SPD before it goes to Cabinet to be approved for adoption.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 There is no statutory duty to prepare this SPD. However, without it, developers could be confused or misinformed as to how they can deliver fit-for-purpose development schemes in Peterborough that meet flood and water management requirements. This could have an impact on development coming forward as additional time would need to be spent on applications where flood or water management issues occur.
- 7.2 This policy document, supported by Peterborough's water management partners, improves current and future service delivery through the more efficient processing of planning applications and future drainage approval applications.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Option 1 (*Recommended*) – Proceed to adoption of this SPD so that developers and water management partners have clear guidance and policy to assist development in meeting local, national and European flood and water management requirements. The SPD also allows planning and development to make a smoother transition to, and be better aligned in the long term with, the new sustainable drainage provisions to be commenced by government in 2013.
- 8.2 Option 2 – The Council could decide not to adopt this SPD and leave policy to be produced nationally. This would leave more areas of European and national policy open to wider interpretation which would reduce the efficiency of Peterborough's planning service. It could be harder for local considerations to be taken into account when developers try to meet national flood and drainage legislation. Working relations with water management partners would also be less efficient due to the lack of formal local agreement on water issues.
- 8.2 Option 3 - The Council could undertake another public consultation on the SPD. This would lead to a potential adoption date of summer/autumn 2013. In the interim there would be less clarity over the inclusion of drainage and water environment issues within planning applications. Development may struggle to understand what is expected of it by Peterborough City Council and other water management partners.

## **9. IMPLICATIONS**

- 9.1 The Flood and Water Management SPD is relevant to the whole unitary authority area and is aimed predominantly at developers and their agents.
- 9.2 This matter is directly linked to the Priorities of the Sustainable Community Strategy (SCS), especially Growth and Environment Capital.
- 9.3 If adopted, the final document will be used as a material planning consideration in the determination of planning applications.
- 9.4 The SPD is not intended to introduce new financial or legal implications for the Council or developers, but instead to provide guidance to assist with the new obligations both parties have under national and European legislation such as the Flood and Water and Management Act 2010 and the Water Framework Directive.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- The Peterborough Core Strategy Development Plan Document, adopted February 2011.
- The Peterborough Planning Policies Development Plan Document Submission Version (April 2012)
- Flood and Water Management Act 2010
- Water Framework Directive
- National Planning Policy Framework March 2012

- Technical Guide to the National Planning Policy Framework, March 2012
- Environment Agency, River Basin Management Guide to Hydromorphology no.6,